

Notice of Allowability

Applicati n N .

09/932,664

Examin r

DEBBIE M. LE

Applicant(s)

DEGUCHI, YUICHIRO

Art Unit

2168

-- The MAILING DATE f this c mmunication appears on the cover sheet with the correspondenc address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/20/06.
2. ☒ The allowed claim(s) is/are 15-32 (now renumbered as 1-18).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/2/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with M. Robyn Carrillo on 6/2/06.

Amendments to the claims:

This listing of claims will replace all prior versions and listings, of claims in the application:

Claims 1-14 (cancelled)

15. (currently amended): A data marking search system, comprising:
at least one server computer configured for communicating over a data network;
at least one user database comprising user information and associated user playlists which are configured for access by said server;
said user playlists containing information about music clips which have been broadcast;
wherein said music clip information is associated with corresponding data marks as received from a data marking device;

at least one broadcast playlist database configured for access by said server and for retaining broadcast playlists containing information about music clips which were broadcast by participating radio stations and which correspond to music clip data marks;

wherein each said broadcast playlist contains information about the music clips which have been broadcast including clip name and the artist and/or album;

network interface of said server configured for communicating with a plurality of user terminals each coupled to the data network to transmit a search request corresponding to a marked data, or information about the marked data, wherein said marked data indicates a time and which represents content that is broadcasted at said time and wherein said search request is independent of a frequency corresponding to said content that is broadcasted; and

programming executable on said server computer for,

accessing [[a]] said user database on storage units each corresponding to a respective one of said plurality of user terminals in response to said search request received from one said user terminal,

searching other user playlists within said user database in response to said search request and locating data marks or associated music clip information that fulfills the conditions of said search, and

transmitting a result, including data marks or associated music clip information broadcast over one or more radio stations, corresponding to said search request to one said user terminal.

16. (previously presented): The system of Claim 15, wherein each of the plurality of user terminals includes one of a personal computer, an Internet access enabled personal digital assistant, Wireless Application Protocol enabled mobile telephone, and an I-mode enabled mobile telephone.

17. (previously presented): The system of Claim 15, wherein the plurality of user terminals and said server are coupled to said data network using one of a TCP/IP protocol, and an AppleTalk protocol.

18. (previously presented): The system of Claim 15, wherein said search request includes an indication of selecting said marked data with a search command.

19. (original): The system of Claim 18, wherein said indication includes a drag and drop operation of an icon representative of said marked data displayed on said one user terminal to an icon representative of said search request.

20. (original): The system of Claim 19, wherein said icon representative of said marked data includes a hypertext link.

21. (original): The system of Claim 19, wherein said icon representative of said search request includes one of a two-dimensional still image or a three-dimensional still image, and a dynamic video image.

22. (previously presented): The system of Claim 15, wherein said programming executable on said server is configured to output a search request in progress display upon one user terminal after said search request is transmitted.

23. (previously presented): The system of Claim 15, wherein said conditions of said search are based on music clip title, genre of music, or on broadcast station.

24. (previously presented): The system of Claim 23:
wherein each of said one or more user playlist databases includes information corresponding to the marked data corresponding to the respective user terminals; and
wherein said user playlists contain information about music clips which have been broadcast.

25. (original): The system of Claim 15, wherein said marked data includes information corresponding to a bookmarked music clip broadcast over a radio station.

26. (original): The system of Claim 25, wherein said information corresponding to the bookmarked music clip includes one or more of a name of the music clip, a name of the music clip artist, and a name of the music clip album.

27. (original): The system of Claim 15, wherein the result corresponding to the search request transmitted to the user terminal includes one or more of information corresponding to music clips broadcast over one or more radio stations.

28. (previously presented): A data marking search system, comprising:
at least one server computer configured for communicating over a data network;
at least one user database comprising user information and associated user playlists which are configured for access by said server;
said user playlists containing information about music clips which have been broadcast;
wherein said music clip information is associated with corresponding data marks as received from a data marking device;
at least one broadcast database configured for access by said server and for retaining broadcast playlists containing information about music clips which were broadcast by participating radio stations and which correspond to music clip data marks;
wherein each said broadcast playlist contains information about the music clips which have been broadcast including clip name and the artist and/or album;
network interface of said server configured for communicating with a plurality of user terminals each coupled to the data network to transmit a search request corresponding to a marked data, or information about the marked data, wherein said marked data indicates a time and which represents content that is broadcasted at said time and wherein said search request is independent of a frequency corresponding to said content that is broadcasted;
programming executable on said server computer for,

accessing said user database in response to a search request received from a first user operating said one or more of said plurality of user terminals, searching user playlists for music clips bookmarked by other than said first user within said user database in response to said search request and locating data marks or associated music clip information that fulfills the conditions of said search, and

transmitting a result of said searching, including data marks or associated music clip information about previously broadcast material, to said first user operating one said user terminal in response to said data searching operation.

29. (previously presented): The system of Claim 28, wherein conditions of said search are based on music clip title, genre of music, or on broadcast station.

30. (previously presented): The system of Claim 28, wherein said programming executable on said server is configured to display a search result on the user terminal based on said data searching operation.

31. (previously presented): The system of Claim 28, wherein said searching of user playlists includes accessing a storage unit of another plurality of user terminals and retrieving data corresponding to said marked data.

32. (original): The system of Claim 31, wherein said data corresponding to said marked data retrieved from said storage units of said other user terminals includes information corresponding to broadcast music clips marked by the users of the respective other user terminals.

Claims 33-45 (cancelled)

The following is an examiner's statement of reasons for allowance:

Claims 15-32 are allowable over the prior art of record because the prior art of record fails to teach or fairly suggest transmit a search request corresponding to a marked data, wherein said marked data indicates a time and which represents content that is broadcasted at said time and wherein said search request is independent of a frequency corresponding to said content that is broadcasted, searching other user playlists within said user database in response to said search request and locating data marks that fulfills the conditions of said search, as detailed in claim 15 and similar to claim 28.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DEBBIE LE
PRIMARY EXAMINER

6/6/06